

### **REMARKS**

The above referenced application has been reviewed in light of the Office Action mailed November 28, 2007. Claims 1, 2, 5-17, and 20-22 are currently pending in this application with Claims 1 and 15 being in independent form. Claims 1, 5, 8, 14, 15 and 20 have been amended by this response. In view of the amendments and the remarks to follow, allowance of this application is respectfully requested.

Initially, Claims 5, 8, 14, 20 and portions of Claims 1 and 15 have been amended to correct typographical errors.

In the Office Action, Claims 1, 2, 5-7, 10, 12-14, and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad in view of U.S. Patent No. 4,513,747 to Smith. Applicants have hereby amended Claim 1 to recite, *inter alia*:

the needle end having a transition area, a proximal portion of the needle end disposed proximally of the transition area including a first length having a trapezoidal transverse cross-section and a distal portion of the needle end disposed distally of the transition area including a second length having a triangular transverse cross-section, the first length being longer than the second length.

This configuration is shown in FIG. 5 of Applicants' disclosure, an annotated version of which is reproduced hereinbelow. For example, the first length "L1" and the second length "L2" may be defined as depicted in the annotations provided in reproduced FIG. 5.

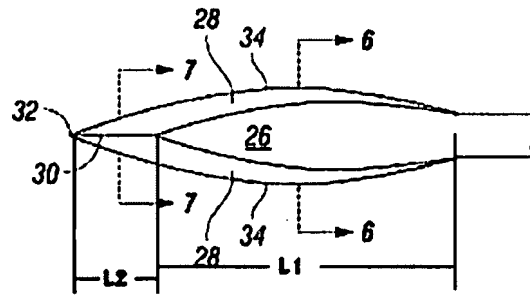
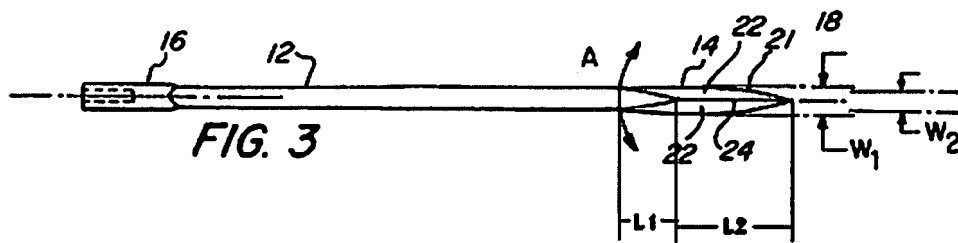


FIG. 5

It is noted that the first length “L1” corresponding to the proximal portion of the needle end having a trapezoidal cross-section is longer than the second length “L1” corresponding to the distal portion of the needle end having a triangular cross-section.

Prasad fails to teach or suggest a surgical needle including, *inter alia*, a “needle end having a transition area, a proximal portion of the needle end disposed proximally of the transition area including a first length having a trapezoidal transverse cross-section and a distal portion of the needle end disposed distally of the transition area including a second length having a triangular transverse cross-section, the first length being longer than the second length,” as required by Claim 1.

Rather, each of the embodiments of Prasad discloses the opposite – the distal portion (which is asserted to be triangular) being longer than the proximal portion (which is asserted to be trapezoidal). The distal portion “L2,” and the shorter proximal portion “L1,” are shown, for example, in FIG. 3 of Prasad, an annotated version of which is reproduced below.



Smith was relied on in the Office Action to teach a third cutting edge. Smith fails to cure the deficiencies of Prasad. Applicants respectfully submit that Prasad and Smith, alone or in combination, fail to teach or suggest the claimed apparatus. Thus, the §103(a) rejection over Prasad in view of Smith has been overcome.

Since Claims 2, 5-7, 10, 12-14, and 21-22 depend from Claim 1 and contain all of the features of Claim 1, for at least the reason stated above, Claims 2, 5-7, 10, 12-14, and 21-22 are also allowable over Prasad in view of Smith.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad and U.S. Patent No. 4,513,747 to Smith in view of U.S. Patent No. 4,133,339 to Naslund. Applicants respectfully submit that Claims 8 and 9, which depend from Claim 1, are at least patentable for the reasons independent Claim 1 is patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad and U.S. Patent No. 4,513,747 to Smith in view of U.S. Patent No. 4,524,771 to McGregor. Applicants respectfully submit that Claim 11, which depends from Claim 1, is at least patentable for the reasons independent Claim 1 is

patentable as outlined hereinabove. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,330,441 to Prasad in view of U.S. Patent No. 5,762,811 to Munoz. Applicants have hereby amended Claim 15 to recite, *inter alia*:

the second ~~needled~~ needle end having a transition area, a proximal portion of the needle end disposed proximally of the transition area including a first length having a trapezoidal transverse cross-sectional dimension inclusive of the first and second cutting edges and a distal portion of the needle end disposed distally of the transition area including a second length having a triangular transverse cross-sectional dimension inclusive of the first and second cutting edges, the first length being longer than the second length.

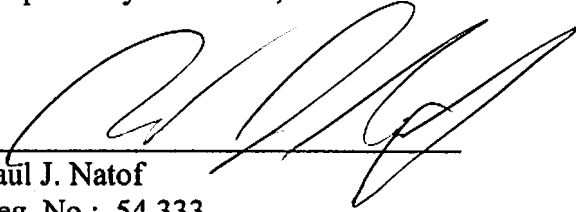
For the reasons stated above, Prasad is devoid of these features.

Munoz was relied on the Office Action to teach that “the first and second side cutting edges being generally arcuate and the third cutting edge extending in oblique relation relative to the longitudinal axis of the needle body.” Munoz fails to cure the deficiencies of Prasad. Applicants respectfully submit that Prasad and Munoz, alone or in combination, fail to teach or suggest the claimed apparatus. Thus, the §103(a) rejection over Prasad in view of Munoz has been overcome.

Since Claims 16, 17, and 20 depend from Claim 15 and contain all of the features of Claim 15, for at least the reason stated above, Claims 16, 17, and 20 are also allowable over Prasad in view of Munoz.

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are in proper format and are patentably distinct from the references of record and are in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number listed below with any questions concerning this application.

Respectfully submitted,



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